

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYSON HUBBARD,

Defendant.

8:99CR94

ORDER

This matter is before the court on defendant's motion to reduce sentence, Filing No. 116. The court held a hearing on this matter on January 3, 2013. Defendant participated telephonically. The court reviewed the submissions by the defendant including the sentencing order from the state court. The court also reviewed the transcript of the March 5, 2009, sentencing in this matter. The record is clear that the defendant was sentenced to 24 months' custody to be served consecutive to his pending state sentence. The sentence was not appealed. The court finds that the Bureau of Prisons has correctly calculated the defendant's sentence. The court did not make a clerical error and the court is without authority to change the sentence lawfully imposed on March 5, 2009. The defendant's motion to correct or amend sentence is denied.

THEREFORE, IT IS ORDERED that defendant's motion to reduce his sentence, Filing No. 116, is denied.

Dated this 4th day of January, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge